

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0649/1dn

PJD:.....

November 12, 2002

Dan:

Here is my email from last session regarding the phrase "fraud, waste, and abuse". Would you like to substitute "fraud, waste, and mismanagement"? Would you like to retain "fraud, waste, and abuse" as the name of the hotline but provide more detail on what it entails, such as is done by HUD and the social security administration?

"Abuse doesn't seem to carry out your intent but mismanagement does. See s. 230.80 (5) (a) and (b), stats., which you could cross reference in your substitute amendment.

I ran a search of abuse on the Wisconsin statutes. I found many occurrences of drug, alcohol, sexual, domestic, child, and elder abuse, all of which relate to individuals, not the abuse of governments or the taxpayers. You could try a search of just abuse and then the following search copied into your search field: abuse not (drug* or domestic or child* or drug* or elder* or substance* or alcohol* or sexual)

46.986(1) (a) "Abuse" means the wilful infliction on a person of physical pain or injury or unreasonable confinement.

50.065(7)(b) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

51.62(1)(ag) (intro.) "Abuse" means any of the following:

51.62(1)(ag)1. (intro.) An act, omission or course of conduct by another that is inflicted intentionally or recklessly on an individual with developmental disability or mental illness and that does at least one of the following:

- a. Results in bodily harm or great bodily harm to the individual.
- b. Intimidates, humiliates, threatens, frightens or otherwise harasses the individual.
2. The forcible administration of medication to an individual with developmental disability or mental illness, with the knowledge that no lawful authority exists for the forcible administration.
3. An act to an individual with developmental disability or mental illness that constitutes first degree, 2nd degree, 3rd degree or 4th degree sexual assault as specified under s. 940.225.

I also searched the Internet and found the use of abuse, but it means at HUD “Mismanagement or violations of law, rules, or regulations by HUD employees or program participants.” and means to the social security administration “criminal activity such as: false statements on claims; concealment of material facts or events affecting eligibility; misuse of benefits by a representative payee; false statements to obtain a Social Security Number (SSN); misuse of an SSN; or crimes involving SSA employees; “conflict of interest; fraud or misuse of grant or contracting funds; significant mismanagement and waste of funds; standards of conduct violations.” “fraud, waste, and abuse complaints.”

If you are aware of fraud, waste, and abuse in HUD programs and operations, report it to HUD’s Hotline! What kinds of things should you report? Mismanagement or violations of law, rules, or regulations by HUD employees or program participants. If you want to report fraud:

Please read our Guidelines for Reporting Fraud, Waste, Abuse and Mismanagement.

REPORTING FRAUD The Social Security Administration Fraud Hotline is a clearinghouse for receiving and handling allegations regarding violations of law or regulations affecting Social Security Administration (SSA) programs and operations. Examples of violations include:

criminal activity such as: false statements on claims; concealment of material facts or events affecting eligibility; misuse of benefits by a representative payee; false statements to obtain a Social Security Number (SSN); misuse of an SSN; or crimes involving SSA employees.

conflict of interest; fraud or misuse of grant or contracting funds; significant mismanagement and waste of funds; standards of conduct violations.

Here is a definition of abuse from online dictionaries:

a·buse Pronunciation Key (–by z)tr.v. a·bused, a·bus·ing, a·bus·es

1. To use wrongly or improperly; misuse: abuse alcohol; abuse a privilege.
2. To hurt or injure by maltreatment; ill–use.
3. To force sexual activity on; rape or molest.
4. To assail with contemptuous, coarse, or insulting words; revile.
5. Obsolete. To deceive or trick. n. (–by s) 1. Improper use or handling; misuse: abuse of authority; drug abuse. 2. Physical maltreatment: spousal abuse. 3. Sexual abuse. 4. An unjust or wrongful practice: a government that commits abuses against its citizens. 5. Insulting or coarse language: verbal abuse.

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